

### **REMARKS**

Applicants respectfully request entry of the foregoing amendments at least because the amendments place the application in condition for allowance in light of the indication in the Advisory Action dated February 6, 2004 that claims 1 and 7-11 would be allowed upon entry of the proposed amendments.

Claims 2-6 and 12 have been cancelled without prejudice or disclaimer.

Claims 1 and 11 are currently being amended. Support for this amendment can be found at least in the present specification on page 3, lines 1-11.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 7-11 are now pending in this application.

#### **Allowable subject matter**

The Advisory Action dated February 6, 2004 indicated that for the purposes of Appeal the amendments (presumably of the Amendment filed on January 22, 2004 with the Notice of Appeal filed) will be entered and that the claims 1 and 7-11 will be allowed. Applicants have amended claims 1 and 11 in the same fashion as the proposed amendments in the Amendment filed January 22, 2004, and thus claims 1 and 11 are in allowable form. Dependent claims 7-10 depend from claim 1 and are likewise allowable.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,939,028 to Bennett et al. (hereafter "Bennett"). Claims 2-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,776,417 to Frost et al. (hereafter "Frost '417"). Claim 9 stands rejected under 35 U.S.C. § 103 as being unpatentable over

Bennett in view of Frost (JP 409103645) (hereafter "Frost '645"). Claims 10 and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bennett in view of U.S. Patent No. 6,029,441 to Mizuno et al. (hereafter "Mizuno"). Claim 12 stands rejected under 35 U.S.C. § 103 as being unpatentable over Frost '417 in view of Mizuno. Applicants respectfully submit that these rejections are moot in light of the amendment of independent claims 1 and 11 to be in allowable form and of the cancellation of claims 2-6 and 12.

Applicants filed an Information Disclosure Statement on November 19, 2003, with accompanying form PTO/SB/08 and respectfully request that any listed document on the form PTO/SB/08 be considered by the Examiner and be made of record in the present application, and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP § 609.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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